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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,154	08/10/2001	Charles Martin	30566.194-US-01	5659

22462 7590 06/25/2004

GATES & COOPER LLP  
HOWARD HUGHES CENTER  
6701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES, CA 90045

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/928,154

Applicant(s)

MARTIN ET AL.

Examiner

Etienne P LeRoux

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112 and 35 U.S.C. 101***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 provides for the use of a database, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claims 13-22 are rejected for being dependent from a rejected base claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,930,794 issued to Linenbach et al (hereafter Linenbach), as best examiner is able to ascertain.

Claims 1, 12 and 23-25:

Linenbach discloses:

- visual display means, processing means, storage means and memory means [Fig 1]
- wherein said memory means is configured to store program instructions for updating data in a database, having persistent copies of objects that control processing steps [Fig 1, 160],
- wherein a database application makes modifications to transient copies of said persistent objects [Fig 4, 440];
- a database thread generates database transaction requests in response to said modifications [col 7, lines 10-35];
- said requests are processed at a lower priority than said modifications [Fig 4 and user generated commit signal, col 7, lines 10-35].

Claims 2 and 13:

Linenbach discloses wherein said database is stored locally or distributed over a network to remote nodes [Fig 1].

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Claims 3 and 14:

Linembach discloses wherein said database is transaction-oriented [Fig 4 and user generated commit signal, col 7, lines 10-35].

Claims 4 and 15:

Linembach discloses wherein said database thread includes an object cache manager [Fig 3, 315];

Claims 5 and 16:

Linembach discloses wherein said object cache manager creates said transient copies in a transient object cache according to permission from a Permit Manager [database application per col 6, lines 15-25].

Claims 6 and 17:

Linembach discloses wherein said modifications to transient copies of said persistent objects are amendments implemented locally or remotely on said transient copies [Fig 1, 140]

Claims 7 and 18:

Linembach discloses wherein transient objects are stored in the main memory of a local or remote database client system or a plurality thereof [col 5, lines 45-60].

Claims 8 and 19:

Linembach discloses wherein said database thread is a low priority thread [Fig 4, “if commit”]

Claims 9 and 20:

Linenbach discloses wherein said object cache manager queues transactions corresponding to amendments of said transient copies in a database request queue as transaction requests [Fig 3, 314, col 6, lines 15-25]

Claims 10 and 21:

Linenbach discloses wherein said database thread identifies and then executes said transactions requests asynchronously [Fig 4, "if commit"]

Claims 11 and 22:

Linenbach discloses wherein said queued transactions requests are removed from said database request queue once the said database transaction they respectively define is accomplished [col 6, lines 15-25].

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Pat No 5,404,488 issued to Kerrigan et al discloses logic for sending cached data to the application in response to a request for updates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Patent related correspondence can be forwarded via the following FAX number (703)  
872-9306

Etienne LeRoux

June 23, 2004

*Etienne LeRoux*